

It was alleged in the libel that the article was adulterated, in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On April 8, 1927, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department to remove the excess water and to raise the percentage of butterfat to 80 per cent.

W. M. JARDINE, *Secretary of Agriculture.*

**15084. Adulteration and misbranding of butter. U. S. v. 57 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21869. I. S. No. 16352-x. S. No. E-6090.)**

On April 12, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 57 tubs of butter, remaining in the original unbroken packages at New York, N. Y., consigned by the Grafton Creamery Co., from Grafton, Iowa, alleging that the article had been shipped in interstate commerce from the State of Iowa into the State of New York, on April 4, 1927, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article and that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 19, 1927, the Grafton Creamery Co., Grafton, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat and the packages plainly and conspicuously marked to show the true quantity of the contents.

W. M. JARDINE, *Secretary of Agriculture.*

**15085. Adulteration of grapefruit and oranges. U. S. v. 210 Boxes of Grapefruit, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21721, 21722, 21757, 21758. I. S. Nos. 15285-x, 15286-x, 15287-x, 15289-x. S. Nos. C-5334, C-5335, C-5349, C-5350.)**

On or about February 24, 25, and 28, 1927, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 355 boxes of grapefruit and 86 boxes of oranges, remaining in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by S. E. Mays, of Plant City, Fla., from Tampa, Fla., in various consignments, in part February 15, 1927, and in part February 22, 1927, and transported from the State of Florida into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The articles were labeled in part: "S. E. Mays, Grower and Shipper Plant City, Florida."

Examination of the articles by this department showed that they consisted in whole or in part of frost-damaged fruit.

Adulteration was alleged in the libels with respect to the oranges, and 115 boxes of the grapefruit, for the reason that they consisted in part of decomposed

vegetable substances. Adulteration was alleged with respect to the remainder of the grapefruit for the reason that a substance, an inedible product, had been substituted in part for the article.

On March 30, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15086. Adulteration and misbranding of Grape Zest. U. S. v. 4 Dozen Bottles and 25 Dozen Bottles of Grape Zest. Default decree entered. Product adjudged adulterated and misbranded and ordered destroyed. (F. & D. No. 21612. I. S. No. 10989-x. S. No. W-2087.)**

On or about January 29, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel praying seizure and condemnation of 4 dozen large bottles and 25 dozen small bottles of Grape Zest, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Fairbanks Products Co., Salt Lake City, Utah, in part July 20, 1926, and in part November 20, 1926, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fairbanks Compound Grape-Zest for Beverage and Food Fairbanks Products Company Salt Lake City Utah."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, an imitation grape beverage powder, had been substituted wholly or in part for the said article, and in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reasons that the statement "Compound Grape-Zest," borne on the label, was false and misleading and deceived and misled the purchaser and that it was an imitation of and offered for sale under the name of another article.

On March 10, 1927, no claimant having appeared for the property, a decree was entered, finding the product adulterated and misbranded, and ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15087. Misbranding of butter. U. S. v. 40 Boxes and 44 Boxes of Creamery Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21801, 21802. I. S. Nos. 10914-x, 10915-x. S. Nos. W-2118, W-2119.)**

On or about March 17, 1927, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 84 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Western Creamery Co., Salt Lake City, Utah, on or about March 11, 1927, and transported from the State of Utah into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (box) "From Western Creamery Company Salt Lake City Utah," (carton) "Sunset Gold Brand Creamery Butter Pasteurized Quarters 1 Lb. Net."

Misbranding of the article was alleged in the libels for the reason that the statement "1 Lb. Net," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, as the quantity stated was not correct.

On March 18, 1927, the Piggly Wiggly Western States Co., Los Angeles, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments, of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,600, conditioned in part that it be relabeled and reconditioned in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*